

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)

In the Matter of:)
COMPLAINT C2011-088)

Henry Giles,)
Respondent,)

David A. Just,)
Complainant.)
_____)

DECISION AND ORDER

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, David A. Just, on June 15, 2011. On July 20, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Henry Giles, with violations of Section 8-13-700(A), 8-13-705 and 8-13-765.

Present at the meeting were Commission Members E. Kay Biermann-Brohl, Vice Chair, Edward E. Duryea, Richard H. Fitzgerald, JB Holeman, Jonathan H. Burnett, Priscilla L. Tanner, and G. Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

On June 15, 2011 the State Ethics Commission received a complaint filed by Dr. David A. Just of Greenville against the Respondent, Henry Giles, Executive Vice-President of Spartanburg Community College (SCC). The complaint alleged that Respondent violated Section 8-13-765 by allowing the Cherokee County Republican Delegation the use of SCC personnel, office space and computer and internet services without offering these services to other political parties.

Further, that Respondent, in May 2010, violated Section 8-13-705(A)(1) and (2)

by intentionally reporting false fund balances to the SCC Board of Commissioners. This was allegedly done to have the Board approve a tuition increase, continue to overcharge students for bond debt and a complex building swap between SCC and Spartanburg County.

Finally, that Respondent violated Section 8-13-700(B) by continuing to employ State Representative Mike Forrester as a lobbyist for the college after he was re-elected to the House of Representatives.

STATEMENT OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. The Respondent, Henry Giles, is the Executive Vice President of Spartanburg Community College, a state college.
2. Information received from Respondent and the president of SCC indicates that the former president of SCC allowed the Cherokee County Legislative Delegation to use SCC space where they could meet with local citizens. This practice continued under the current president. The space designated for the Cherokee County Legislative Delegation, a bi-partisan organization, was not used in an election.
3. There is no evidence to suggest that Respondent was offered or received anything of value for his involvement in the action to increase tuition at SCC.
4. Through SCC contact with the Ethics Commission and the Attorney General, SCC officials determined that there was no conflict in the matter of Mike Forrester being employed at SCC and serving in the SC House of Representatives.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Henry Giles, is a public employee as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from using his official office to obtain an economic interest for a business with which he is associated.
4. Section 8-13-705 (B) (1) states that a public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being influenced in the discharge of his official responsibilities.
5. Section 8-13-765(A) provides as follows:
 - (A) No person may use government personnel, equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official residence.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Henry Giles, violated Sections 8-13-700(A), 8-13-705(B) or 8-13-765, S.C. Code Ann., 1976, as amended. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i) and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 5th DAY OF August, 2011.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
VICE CHAIR

COLUMBIA, SOUTH CAROLINA